



CITY OF LODI COUNCIL COMMUNICATION

M

AGENDA TITLE: Adopt Resolution of Vacation of a **5-Foot** Public Utility Easement at 1451 South Mills Avenue

MEETING DATE: February 16, 2005

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution vacating the 5-foot public utility easement at 1451 South Mills Avenue.

BACKGROUND INFORMATION: The property owners of "Mills Avenue Family Homes", a newly-created 12-lot subdivision currently under construction, have requested the abandonment of the 5-foot public utility easement lying across Lot 12, as shown on the attached map. Lot 12 lies adjacent to a private street dedicated as a public utility easement.

Existing and proposed underground utilities (12-inch storm drain main, 6-inch sanitary sewer main, and 8-inch water main) are located within the private street, therefore the abandonment of the 5-foot public utility easement would not affect installation or deter the public facilities and services. The 5-foot public utility easement has never been occupied.

Under Section 8333 of the Streets and Highways Code, a local agency may summarily vacate an easement if "the easement has not been used for the purpose for which it was dedicated or acquired five consecutive years immediately preceding the proposed vacation".

The City of Lodi Water/Wastewater and Street Divisions and Electric Utility Department, SBC Pacific Bell, PG&E, and Comcast Cable have approved the 5-foot public utility easement abandonment without further comment.

Public Works staff therefore recommends that the request to abandon the 5-foot public utility easement be granted without Planning Commission referral or the normal posting, publishing and public hearing.

FUNDING: Not applicable.

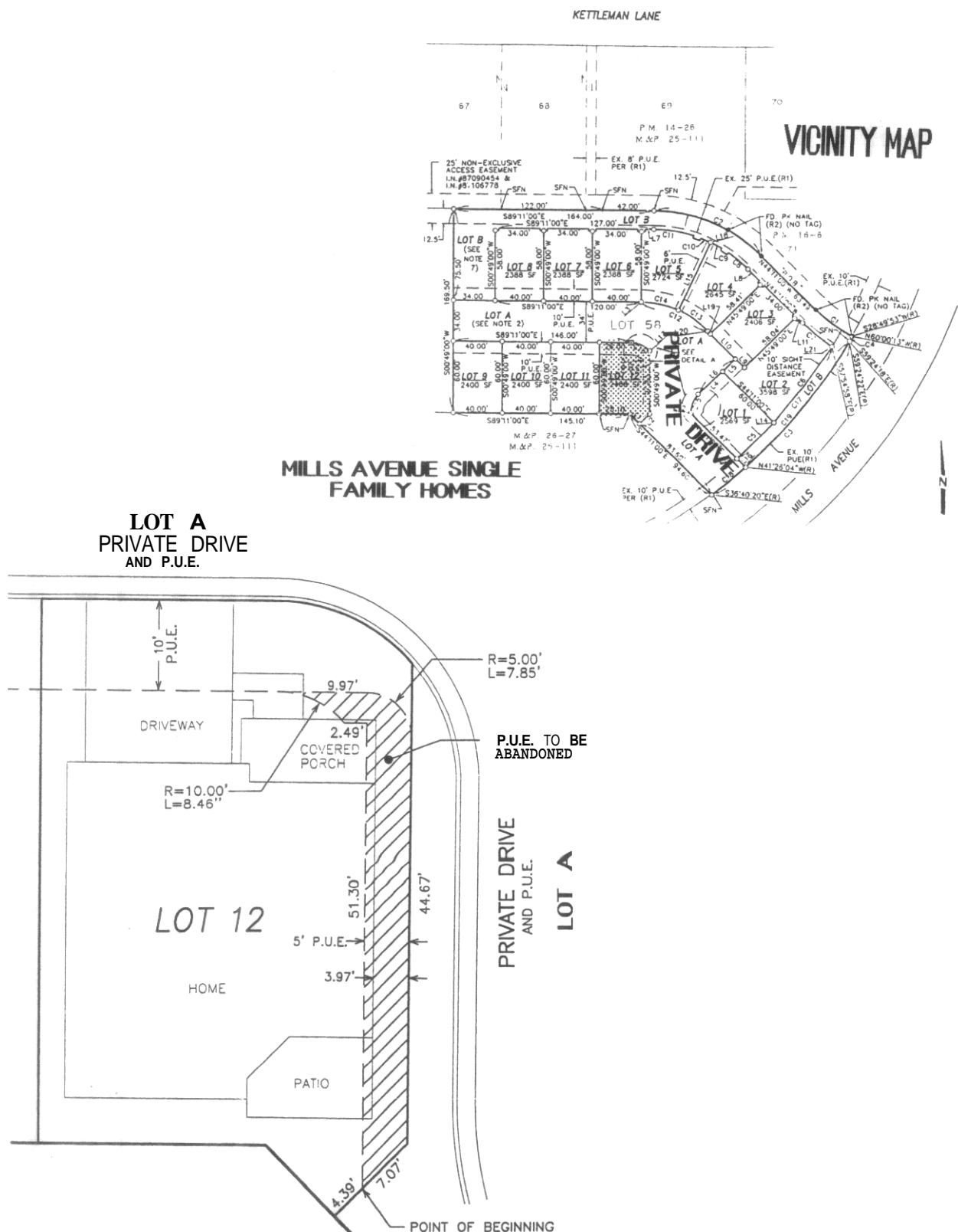
Richard C. Prima, Jr.
Public Works Director

Prepared by Jeannie Matsumoto, Senior Engineering Technician
RCP/JM/pmf
Attachment

cc: Steve Schwabauer, City Attorney
Rad Bartlam, Community Development Director

APPROVED:

Blair King, City Manager



When Recorded, Please Return to:
Lodi City Clerk
P. O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2005-31

A RESOLUTION OF THE LODI CITY COUNCIL
SUMMARILY VACATING A FIVE-FOOT PUBLIC
UTILITY EASEMENT LOCATED AT
1451 SOUTH MILLS AVENUE

WHEREAS, the property owners of "Mills Avenue Family Homes," a newly-created, 12-lot subdivision currently under construction, have requested the abandonment of the five-foot utility easement lying across Lot 12 at 1451 South Mills Avenue, as shown on the map attached marked Exhibit A; and

WHEREAS, Lot 12 lies adjacent to a private street, which is dedicated as a public utility easement for all existing and proposed underground utilities; and

WHEREAS, the abandonment of the five-foot public utility easement would not affect installation or deter the public facilities and services, and the five-foot public utility easement has never been occupied; and

WHEREAS, pursuant to California Streets and Highways Code Section 8333, a local agency may summarily vacate a public service easement if the easement has not been used for the purpose for which it was dedicated or acquired five consecutive years immediately preceding the proposed vacation; and

WHEREAS, no public utilities are located in or on Lot 12 desired to be vacated.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi finds and declares as follows:

1. The above recitals are true and correct.
2. The proposed vacation is the disposition of a remainder of a larger parcel, which was acquired and used for street purposes, and, in accordance with California Government Code Section 65402(a), the City Council of the City of Lodi hereby provides that Government Code Section 65402(a) does not apply to this vacation.
3. That five-foot public utility easement located at 1451 South Mills Avenue, shown on Exhibit A attached hereto and incorporated herein, is summarily vacated as of the date of recordation of this Resolution and from and after that date no longer constitutes a street, highway, or public service easement.

4. The vacation is made pursuant to Chapter 4, Part 3, of the Streets and Highways Code of the State of California.
5. The City Clerk is hereby authorized and instructed to record this Resolution pursuant to Streets and Highways Code Section 8336.

Dated: February 16, 2005

=====


I hereby certify that Resolution No. 2005-31 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 16, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce,
and Mayor Beckrnan

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

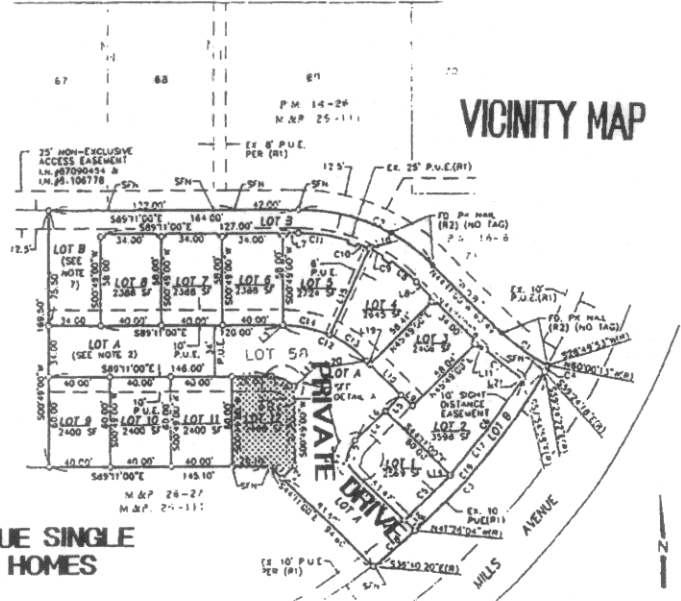


CITY OF LODI

PUBLIC WORKS DEPARTMENT

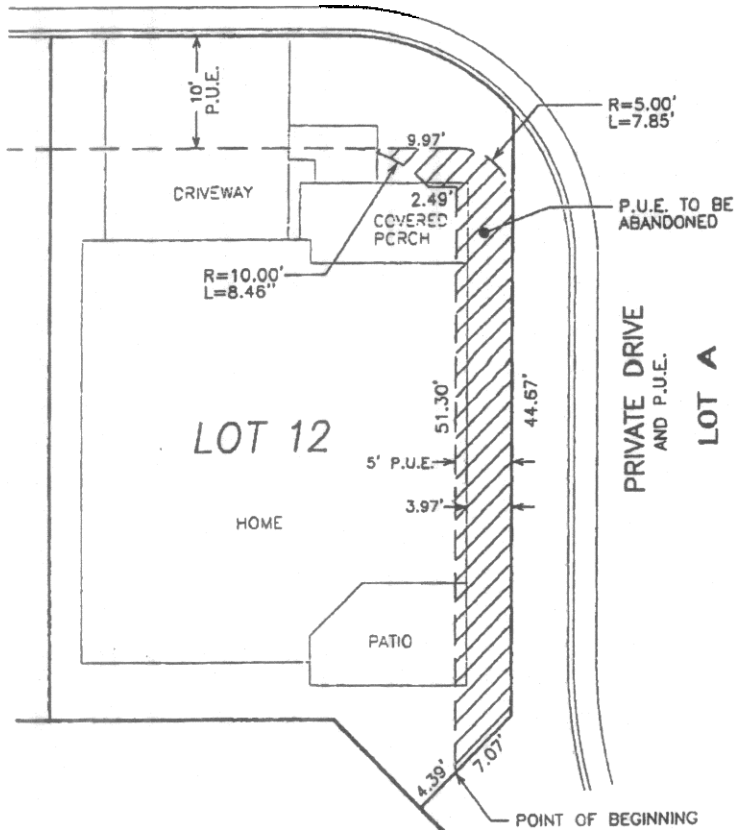
EXHIBIT A EASEMENT ABANDONMENT

KETTLEMAN LANE



MILLS AVENUE SINGLE
FAMILY HOMES

LOT A
PRIVATE DRIVE
AND P.U.E.





DECLARATION OF MAILING

A RESOLUTION SUMMARILY VACATING A FIVE-FOOT PUBLIC UTILITY EASEMENT LOCATED AT 1451 S. MILLS AVENUE

On February 17, 2005, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a transmittal letter and resolution summarily vacating a five-foot public utility easement located at 1451 S. Mills Avenue, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 17, 2005, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK

The signature of Jennifer M. Perrin is written in cursive over a horizontal line.

KARI J. CHADWICK
ADMINISTRATIVE CLERK

CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
JOANNEMOUNCE

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910

(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

BLAIR KING, City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEPHEN SCHWABAUER
City Attorney

EXHIBIT A

February 17, 2005

TO: Interested Parties

VACATION: TO SUMMARILY VACATE A FIVE-FOOT PUBLIC UTILITY EASEMENT LOCATED AT 1451 SOUTH MILLS AVENUE

This is to inform you that the City Council, at its regular meeting on February 16, 2005, considered the above matter and declared the area summarily vacated and abandoned.

Enclosed for your information is a certified copy of the resolution along with a map of the abandoned area.

Should you have questions regarding the abandonment, please contact Public Works Director Richard Prima at (209) 333-6706.



Susan J. Blackston
City Clerk

SJB/jmp

Enclosure

cc: Public **Works** Director

When Recorded, Please Return to:
Lodi City Clerk
P. O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2005-31

A RESOLUTION OF THE LODI CITY COUNCIL
SUMMARILY VACATING A FIVE-FOOT PUBLIC
UTILITY EASEMENT LOCATED AT
1451 SOUTH MILLS AVENUE

WHEREAS, the properly owners of "Mills Avenue Family Homes," a newly-created, 12-lot subdivision currently under construction, have requested the abandonment of the five-foot utility easement lying across Lot 12 at 1451 South Mills Avenue, as shown on the map attached marked Exhibit A and

WHEREAS, Lot 12 lies adjacent to a private street, which is dedicated as a public utility easement for all existing and proposed underground utilities; and

WHEREAS, the abandonment of the five-foot public utility easement would not affect installation or deter the public facilities and services, and the five-foot public utility easement has never been occupied; and

WHEREAS, pursuant to California Streets and Highways Code Section 8333, a local agency may summarily vacate a public service easement if the easement has not been used for the purpose for which it was dedicated or acquired five consecutive years immediately preceding the proposed vacation; and

WHEREAS, no public utilities are located in or on Lot 12 desired to be vacated.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi finds and declares as follows:

1. The above recitals are true and correct.
2. The proposed vacation is the disposition of a remainder of a larger parcel, which was acquired and used for street purposes, and, in accordance with California Government Code Section 65402(a), the City Council of the City of Lodi hereby provides that Government Code Section 65402(a) does not apply to this vacation.
3. That five-foot public utility easement located at 1451 South Mills Avenue, shown on Exhibit A attached hereto and incorporated herein, is summarily vacated as of the date of recordation of this Resolution and from and after that date no longer constitutes a street, highway, or public service easement.

4. The vacation is made pursuant to Chapter 4, Part 3, of the Streets and Highways Code of the State of California.
5. The City Clerk is hereby authorized and instructed to record this Resolution pursuant to Streets and Highways Code Section 8336.

Dated: February 16, 2005

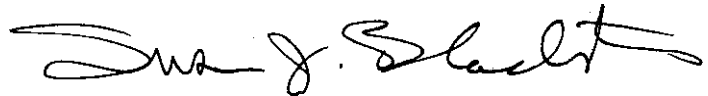
I hereby certify that Resolution No. 2005-31 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 16, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce,
and Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk



CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A EASEMENT ABANDONMENT

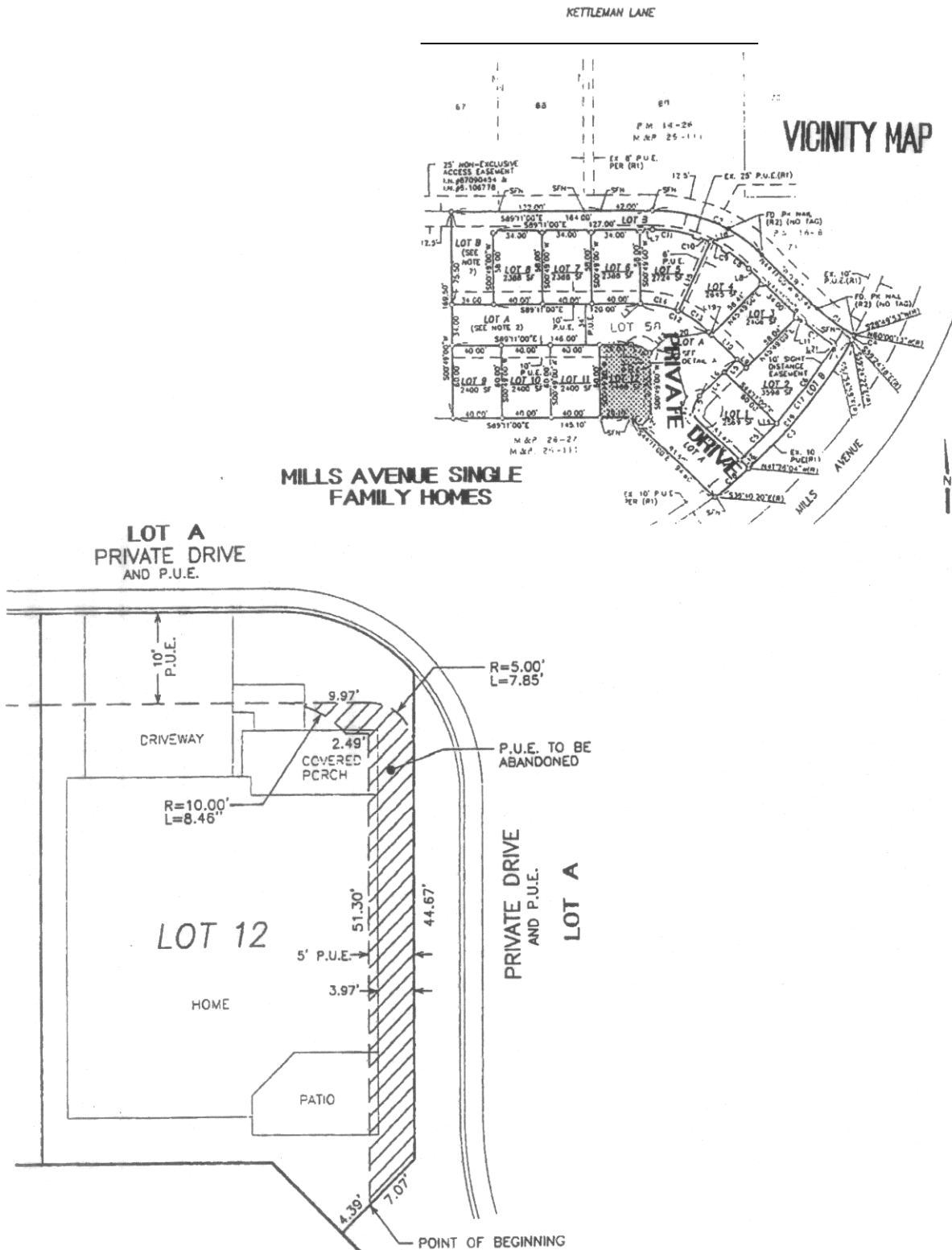


EXHIBIT B

APN;OWNER;ADDRESS;CITY;STATE;ZIP

05816038;LAKESHORE VILLAGE ASSOC;2291 W MARCH LN;STOCKTON;CA;95207

05816083;WRIGHT, GARLAND & RUTH TR ETAL;2100 W KETTLEMAN LN ;LODI
;CA;95242

05816084;KNIGHT, GEORGE J & STACY L TR ;911 CASTEC DR ;SACRAMENTO
;CA;95864

05816091;KETTLEMAN II PTP;301 S HAM LN SUITE A;LODI;CA;95242

05838001;ANDERSON, LARRY W & G M;PO BOX 1237;LODI;CA;95241

05838002;ANDERSON, LARRY W & G M;PO BOX 1237;LODI;CA;95241

05838003;ANDERSON, LARRY W & G M;PO BOX 1237;LODI;CA;95241

05838004;ANDERSON, LARRY W & G M;PO BOX 1237;LODI;CA;95241

05838009;D & M PROPERTIES PTP;1420 S MILLS STE 1;LODI;CA;95242

05838010;MALONEY, MIKE & LANI KAY ;1420 S MILLS AVE SUITE J ;LODI
;CA;95242

05838011;LODI LAND COMPANY LLC;1420 S MILLS #M;LODI;CA;95242

05838012;LODI LAND COMPANY LLC;1420 S MILLS AVE STE M;LODI;CA;95242

05838013;LODI LAND COMPANY LLC;1420 S MILLS #M;LODI;CA;95242

05838014;ANDERSON, LARRY & G ETAL ;420 W PINE ST ;LODI ;CA;95240

05838005;GIANNONI, JOHN M JR & KERRY M;2960 APPLEWOOD DR;LODI;CA;95242

05838006;GIANNONI, JOHN M JR & KERRY M;2960 APPLEWOOD DR;LODI;CA;95242

05814018;LODI INVESTMENT PARTNSHP I LTD;PO BOX 87407;CHICAGO;IL;60680

05815001;LODI INVESTMENT PARTNERSHIP I;PO BOX 87407;CHICAGO;IL;60680

05816046;KETTLEMAN II PTP;301 S HAM LN SUITE A;LODI;CA;95242

05816078;MICHAEL, DAVID J & PAMELA J TR;2020 W KETTLEMAN
LN;LODI;CA;95242

05816090;DREW NO 8 LODI LLC;656 W RANDOLPH ST SUITE
400W;CHICAGO;IL;60661

05855001;SCHEFLO, MITCH & RITA;1711 WINDJAMMER;LODI;CA;95242

PROPOSED EASEMENT ENCROACHMENT

UTILITY AGENCIES

PACIFIC BELL

RIGHT OF WAY MANAGER
ATTN: DON GOLVIN
1548 NORTH CARPENTER ROAD
MODESTO, CA 95351
PH: (209)578-7044

PACIFIC GAS & ELECTRIC COMPANY

STOCKTON LAND RIGHTS OFFICE
ATTN: LAND AGENT
4040 WEST LANE
STOCKTON, CA 95204
PH: (209)942-1419

COMCAST

SUPERVISOR OF DESIGN
ROBERTO GONZALEZ
2646 NORTH WEST LANE
STOCKTON, CA 95205
PH: (209)463-6081, #108

CITY OF LODI

ELECTRICAL UTILITY DEPT.
AL SMATSKY, SENIOR ELECTRICAL ESTIMATOR
P O BOX 3006
LODI, CA 95241-1910
PH: 333-6769

CITY OF LODI

MUNICIPAL SERVICE CENTER
GEORGE BRADLEY, STREET SUPERINTENDENT
P O BOX 3006
LODI, CA 95241-1910
PH: 333-6740

CITY OF LODI

MUNICIPAL SERVICE CENTER
FRANK BEELER, WATER/WASTEWATER SUPERINTENDENT
P O BOX 3006
LODI, CA 95241-1910
PH: 333-6740

CITY OF LODI
FIRE DEPARTMENT
VERNE PERSON. FIRE MARSHALL

**VACATION / ABANDONMENT
MAILING LIST**

RESOLUTION OF INTENTION (Setting Public Hearing)

Certified copy w/cover letter to:

PG&E
12 W. Pine Street
Lodi, CA 95240

AT&T
6343 Tam O'Shanter Drive
Stockton, CA 95210

Pacific Bell
44 W. Yokuts Avenue
Stockton, CA 95207

Central Valley Waste Services
P.O. Box 241001
Lodi, CA 95241-9501

Chief Deputy County Surveyor
Attn: Joe Bussalacci
1810 E. Hazelton Avenue
Stockton, CA 95205

Certified copies to:

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department

RESOLUTION OF VACATION (After Public Hearing)

Certified copy w/cover letter:

PG&E

AT&T

Pacific Bell

Central Valley Waste Services

Chief Deputy County Surveyor

Jeannie Matsumoto, Public Works

Wes Fujitani, Public Works

Community Development Department

Police Department

Fire Department